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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4408/2025

RAHUL

.....Petitioner

Through: Mr. Vineet Nagar and Mr. Kapil Choudhary, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Sanjay Kumar Pathak, SC, Mr. Sunil Kumar Jha and Mr. M.S. Akhtar, Advs. for R-1.
Mr. R. K. Dhawan, SC, Ms. Nisha Dhawan, Mr. V.K. Teng, Mr. Naman Kr. Thakur, Mr. Pawan Karan Deo, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **28.04.2025**

CM APPL.20309/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 4408/2025

3. The present petition has been filed by the petitioner being aggrieved by the fact that the requisite compensation payable to the petitioner in respect of the acquired land of the petitioner has not yet been paid.
4. The factual background is that on 02.07.1983, an award bearing Award No. 18/1983-84 was issued in respect of acquisition of subject land bearing Khasra No.911/370(0-19), 912/370(7-10), 380/2(1-17), 926/547(9-15), 561(1-13). 564(0-18), 576(1-07), 746/2 min (1-15), 813/127(0-06),

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191(0-03), 213(0-03), 342(0-15), 903/319(0-06), 229 min (1-05), 739/1(10-00) situated at Village Gharoli, Delhi [Totaling 38 *Bigha*-12 *Biswa*].

5. In lieu of the aforesaid land being acquired, the previous owners of the aforesaid land – Mr. Iklakh and Mr. Jayul Hussain were awarded a compensation of Rs. 9,000/- per *bigha*. Against the said award, the previous owners filed an application dated 27.09.2023 under Section 28A of the Land Acquisition Act, 1894 for re-determination of the compensation/award before the ADM/LAC(EAST) [respondent no.1].

6. Subsequently, an assignment deed dated 30.11.2023 (registered on 24.01.2024) is stated to have been executed by the previous owners of the subject land in favour of the petitioner in the present petition.

7. Thereafter, the application filed under Section 28A of the Land Acquisition Act, 1894 came to be allowed vide order dated 09.09.2024 and the revised / enhanced compensation amount was awarded to the petitioner instead of the previous owners in light of the Assignment deed dated 30.11.2023.

8. The grievance of the petitioner is that the revised / enhanced compensation amount has not yet been paid. It is pointed out that in terms of the order dated 09.09.2024, the revised / enhanced compensation is liable to be paid by the Delhi Development Authority [DDA / respondent no.2] being the beneficiary department.

9. It transpires during the course of hearing that the requisite Enhanced Naksha Muntajim (ENM) has already been sent by the respondent no.1 to the DDA for the payment of the enhanced amount of compensation payable to the petitioner. However, the payment was not made by the DDA in view of a communication dated 19.11.2024 whereby it was stated as under:

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“File No.:F1(136)24-25/LMA/557

Dated 19.11.2024

To

- 1. Spl. Secretary/L&B, Govt. of NCT of Delhi, IP Estate, ITO, Vikas Bhawan, New Delhi-110002.*
- 2. ADM/LAC (East), GNCTD of Delhi, L.M. Bandh, Shastri Nagar, New Delhi-110031.*
- 3. Deputy Controller of Accounts, L&B Deptt., Govt of NCT of Delhi, I.P. Estate, ITO, Vikas Bhawan, New Delhi-110002.*

Sub: Revised Demand in respect of Enhanced Compensation titled Iklakh v/s UOI.

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|-------------------------------|----------|----------------------------------|
| <i>(i) Lac No.</i> | <i>-</i> | <i>28-A</i> |
| <i>(ii) Village</i> | <i>-</i> | <i>Gharoli</i> |
| <i>(iii) Award Number</i> | <i>-</i> | <i>18/83-84</i> |
| <i>(iv) Title of the case</i> | <i>-</i> | <i>Iklakh & Ors. v/s UOI</i> |
- Sir/Madam,*

With reference to Demand List No.136/24-25, sent to this office vide your letter no. F.19(147)/DL-136/2024-25/L&B/Fin./6060-63 dated 07/10/2024, on scrutiny of the demand list following observation have been made by this office that:

Dt. Of Notification U/S 4:17.11.1980

Dt. Of Award: 02.07.1983

Dt. Of Possession: 02.07.1983

Clearly, the period between date of Notification and Date of Award is less than 3 years. However, interest @ 6% has been worked out in Column 10 of the ENM. Hence, the demand may kindly be referred back to LAC for reconsideration.

You are, therefore requested to please arrange & send the Revised Demand/ENM to this office at the earliest to enable this office to process the case for further action. This is also pertinent to mention that as per the standing instructions issued by L&B dated 12.05.2003. LAC has to send the Demand within 30 days to L&B and L&B has to forward it to DDA within 30 days.

However, above instruction are not complied with which increased the interest component on DDA. The status/Directions if any of LA Appeal may also be furnished to this Department at the earliest. The refund details of Demand/ENM may also be sent on the e-mail ddnl2cc@gmail.com so that the matter could be preceded further without any delay.

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Dy. Director (NL)-II'

10. Clearly, it is untenable for the DDA to ask the respondent no.1 to revise the amount payable in terms of the order dated 09.09.2024. It is incumbent on the DDA to pay the amount as adjudged by order dated 09.09.2024. Payment of requisite amount cannot be stalled in the guise of any request of DDA which is at variance with the determination made vide order dated 9.9.2024. Concededly, the order dated 9.9.2024 has not been interdicted by any court/ forum. As such, this Court finds no justification on the part of the DDA in not paying the requisite amount to the petitioner.

11. During the course of hearing, it is acceded by learned counsel for the DDA that if the respondent no.1 communicates to it the amount payable to the petitioner as on date, the said payment shall be released to the petitioner within a period of eight weeks thereafter.

12. Accordingly, the present petition is disposed of with a direction to the respondent no.1 to communicate the total balance amount of compensation, payable as on date to the petitioner, in terms of the order dated 09.09.2024.

13. Let the same be communicated to the DDA by the respondent no.1 within a period of two weeks. The DDA shall pay the said amount to the petitioner within a period of eight weeks thereafter.

14. The present petition is disposed of in the above terms.

15. Let a compliance affidavit be filed within a period of 12 weeks.

APRIL 28, 2025/cl

SACHIN DATTA, J

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